

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Marvin Spencer,

CIVIL NO. 17-5035 (DSD/TNL)

Plaintiff,

v.

**ORDER**

Joel L. Brott, Sheriff; Dr. Todd Leonard, Physician; Michell Skroch, BSIU/CCHD Nursing Dir.; Gwen Blossom England, CNP, RN; Dr. Diana Vanderbeek, Assistant Physician; Capt. Tom Zerwas; Sgt. Travis Lindstrom; Sgt. Brad Bohn, Badge #3419; c/o Jim Rourke, Badge #3341; c/o Anne Herbst, Badge #3473; c/o Johnnie Gilbert; c/o Lisa Shore, Badge #2163; c/o Joshua Jesberg, Badge #3304; c/o Catherine Koch, Badge #2145; c/o Oluwaseun Jibowu, Badge #3397; c/o Denise Cook; c/o Tammy Boros; c/o Nicholas Simon, Badge #3384; c/o Logan Barrett, Badge #3305; c/o Yvonne Adams, Badge #1757; c/o Amy Kahler, Badge #1901; c/o Dan Worber, Badge #3360; c/o Laura Holmquist, Badge #1719; and c/o Lori Bennett, Badge #1409,

Defendants.

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Marvin Spencer,

CIVIL NO 17-5220 (DSD/TNL)

Plaintiff,

v.

Joel L. Brott, Sheriff; Dr. Todd Leonard, Physician; Michell Skroch, Bsiu/Cchd Nursing Dir.; Gwen Blossom England, CNP, RN; Dr. Diana Vanderbeek, Assistant Physician; Capt.

Tom Zerwas; Sgt. Aric Hanson, Badge #3401; Sgt. Rebecca Beal, Badge #3418; Sgt. Travis Lindstrom, Badge #; Sgt. Brad Bohn, Badge #3419; c/o Jim Rourke, Badge #3341; c/o Anne Herbst, Badge #3473; c/o Johnnie Gilbert, Badge #; c/o Lisa Shore, Badge #2163; c/o Joshua Jesberg, Badge #3304; c/o Catherine Koch, Badge #2145; c/o Oluwaseun Jibowu, Badge #3397; c/o Denise Cook; c/o Tammy Boros, Badge #; c/o Nicholas Simon, Badge #3384; c/o Logan Barrett, Badge #3305; c/o Yvonne Adams, Badge #1757; c/o Amy Kahler, Badge #1901; c/o Dan Worber, Badge #3360; c/o Laura Holmquist, Badge #1719; c/o Lori Bennett, Badge #1409; c/o Christopher Hansen, Badge #1074; c/o Theresa Klinge, Badge #; Jennie R. Thompson, RN; Gwendolyn Blossom England, RN; Alyssa Pfeifer, RN; Michelle Skroch, RN; Mindi Johnson, CMA; Briony Bohn, LPN; Cassandra James, RN; and Kayla Hertenstein, RN,

Defendants.

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This matter is before the court upon plaintiff Marvin Spencer's motion for an extension of time to respond to the July 30, 2021, report and recommendation (R&R) of United States Magistrate Judge Tony N. Leung. Based on a review of the file, record, and proceedings herein, the court denies Spencer's motion and adopts the R&R in its entirety.

In his R&R, Judge Leung recommended denial of Spencer's motions to appoint counsel and for an order to compel. Judge Leung also recommended that the MEnD defendants' motion for summary

judgment be granted.<sup>1</sup> Spencer requested an extension of time to file a response, which the court granted. See ECF Nos. 128, 130. Spencer now seeks another extension, arguing that current prison restrictions have impeded his ability to pursue his complaint and that he needs time to research a recent District of Minnesota decision that he believes is relevant to his case.

Despite his pro se status and present incarceration, Spencer is still subject to deadlines just like any other litigant. Although the court recognizes that current prison restrictions and new legal precedent can, in some circumstances, justify deadline extensions, those factors are insufficient here. First, the court has already granted Spencer multiple extensions, including additional time to respond to the MEnD defendants' motion for summary judgment. Second, the recent decision Spencer cites is a case that was decided in August 2020. Because the case is more than a year old, Spencer has had ample time to research it and argue its potential application to his case. Thus, the court finds that an extension is not warranted.

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<sup>1</sup> The defendants moving for summary judgment include Dr. Todd Leonard, Michelle Skroch, and Gwen Blossom England (MEnD Defendants). These individuals are the only remaining defendants in the case, as all of the other originally named defendants have already been dismissed.

Accordingly, based on the R&R and the file, record, and proceedings herein, **IT IS HEREBY ORDERED that:**

1. The R&R [ECF Nos. 81, 124] is adopted in its entirety;
2. Plaintiff's motion to appoint counsel [ECF No. 122] is denied;
3. Plaintiff's motion for an order to compel [ECF No. 80] is denied; and
4. MEnD defendants' motion for summary judgment [ECF Nos. 65, 105] is granted.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: November 1, 2021

s/David S. Doty  
David S. Doty, Judge  
United States District Court